



Director's Rule 22-89

Applicant CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Page	of	Supersedes
	1	2*	NA
	Publication 8/01/90		Effective 9/10/90
	Code and Section Reference LAND USE CODE 23.60.092 and 23.60.936		
Subject GRADING AND LANDFILL IN SHORELINE ENVIRONMENTS	Type of Rule CODE INTERPRETATION		
	Ordinance Authority 3.06.040 SMC		
	Index Land Use -- Shorelines		
		Approved	Date
		<i>Dennis J. McLerran</i>	8/23/90

Section 23.60.092 pertains to accessory uses in shoreline environments.
Paragraph B of that section reads as follows:

- B. Uses prohibited as principal uses but customarily incidental to a use permitted in a shoreline environment may be permitted as accessory uses only if clearly incidental and necessary for the operation of a permitted principal use unless expressly permitted or prohibited as accessory uses. Examples of accessory uses include parking, offices and caretaker's quarters not exceeding eight hundred square feet in living area. For purposes of this Section, landfill shall not be considered to be accessory to a principal use and shall only be permitted as provided in the applicable shoreline environment.

Section 23.60.936 includes the definition of substantial development. A number of types of work are specifically excluded from coverage by the term "substantial development" by that definition, among them,

"Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the City other than requirements imposed pursuant to this subtitle."

WAC 173-14-040 states that the term "single-family residence" includes "those structures and development within a contiguous ownership which are a normal appurtenance" and goes on to say that normal appurtenances include "grading which does not exceed 250 cubic yards."

RULE:

The single-family exemption to the definition of substantial development includes grading on the dryland portion of a single-family residential lot only if the grading involves no more than 250 cubic yards. The 250 cubic yard limit does not apply to the excavation and grading incidental to the construction of the residence itself.

REASON:

Exemption of grading and landfill not exceeding 250 cubic yards is consistent with state rules and allows a reasonable amount of grading in conjunction with a single-family residence. Grading which exceeds 250 cubic yards on a single-family residential lot shall be considered to be substantial development because it is not customarily incidental and necessary for maintenance of a single-family residential lot. This exemption applies only to the requirement for a shoreline permit. A grading permit may still be required for the work.